

ASSEMBLY BILL

No. 2234

Introduced by Assembly Member Bonnie Lowenthal

February 18, 2010

An act to amend Section 5600.3 of the Welfare and Institutions Code, relating to mental health.

LEGISLATIVE COUNSEL'S DIGEST

AB 2234, as introduced, Bonnie Lowenthal. Mental health: target populations: older adults.

Existing law, the Bronzan-McCorquodale Act, contains provisions governing the operation and financing of community mental health services for the mentally disordered in every county through locally administered and locally controlled community mental health programs. Existing law, the Mental Health Services Act, an initiative measure enacted by the voters as Proposition 63 at the November 2, 2004, statewide general election, establishes the Mental Health Services Fund to fund various county mental health programs. The act may be amended by the Legislature only by a $\frac{2}{3}$ vote of both houses and only so long as the amendment is consistent with and furthers the intent of the act. The Legislature may clarify procedures and terms of the act by majority vote.

Existing law, the Adult and Older Adult Mental Health System of Care Act, sets out a system of mental health care services, provided by participating counties pursuant to Proposition 63, for adults and older adults with serious mental disorders. Existing law defines serious mental disorders and includes a definition of functional impairment for that purpose.

This bill would make the current definition of functional impairment applicable to adults 18 to 59 years of age, inclusive, and would, in addition, establish a definition of functional impairment for adults 60 years of age or older. The bill would also make eligible for services pursuant to this program adults 60 years of age or older who require brief treatment as a result of a natural disaster or severe local emergency.

By expanding eligibility for community mental health services, this bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 5600.3 of the Welfare and Institutions
- 2 Code is amended to read:
- 3 5600.3. To the extent resources are available, the primary goal
- 4 of the use of funds deposited in the mental health account of the
- 5 local health and welfare trust fund should be to serve the target
- 6 populations identified in the following categories, which shall not
- 7 be construed as establishing an order of priority:
- 8 (a) (1) Seriously emotionally disturbed children or adolescents.
- 9 (2) For the purposes of this part, “seriously emotionally
- 10 disturbed children or adolescents” means minors under the age of
- 11 18 years who have a mental disorder as identified in the most recent
- 12 edition of the Diagnostic and Statistical Manual of Mental
- 13 Disorders, other than a primary substance use disorder or
- 14 developmental disorder, which results in behavior inappropriate
- 15 to the child’s age according to expected developmental norms.
- 16 Members of this target population shall meet one or more of the
- 17 following criteria:
- 18 (A) As a result of the mental disorder, the child has substantial
- 19 impairment in at least two of the following areas: self-care, school

1 functioning, family relationships, or ability to function in the
2 community; and either of the following occur:

3 (i) The child is at risk of removal from home or has already
4 been removed from the home.

5 (ii) The mental disorder and impairments have been present for
6 more than six months or are likely to continue for more than one
7 year without treatment.

8 (B) The child displays one of the following: psychotic features,
9 risk of suicide or risk of violence due to a mental disorder.

10 (C) The child meets special education eligibility requirements
11 under Chapter 26.5 (commencing with Section 7570) of Division
12 7 of Title 1 of the Government Code.

13 (b) (1) Adults and older adults who have a serious mental
14 disorder.

15 (2) For the purposes of this part, “serious mental disorder”
16 means a mental disorder that is severe in degree and persistent in
17 duration, ~~which~~ *that* may cause behavioral functioning which
18 interferes substantially with the primary activities of daily living,
19 and ~~which~~ *that* may result in an inability to maintain stable
20 adjustment and independent functioning without treatment, support,
21 and rehabilitation for a long or indefinite period of time. Serious
22 mental disorders include, but are not limited to, schizophrenia,
23 bipolar disorder, post-traumatic stress disorder, as well as major
24 affective disorders or other severely disabling mental disorders.
25 This section shall not be construed to exclude persons with a
26 serious mental disorder and a diagnosis of substance abuse,
27 developmental disability, or other physical or mental disorder.

28 (3) Members of this target population shall meet all of the
29 following criteria:

30 (A) The person has a mental disorder as identified in the most
31 recent edition of the Diagnostic and Statistical Manual of Mental
32 Disorders, other than a substance use disorder or developmental
33 disorder or acquired traumatic brain injury pursuant to subdivision
34 (a) of Section 4354 unless that person also has a serious mental
35 disorder as defined in paragraph (2).

36 (B) (i) As a result of the mental disorder, the person has
37 substantial functional impairments or symptoms, or a psychiatric
38 history demonstrating that without treatment there is an imminent
39 risk of decompensation to having substantial impairments or
40 symptoms.

(ii) For the purposes of this part, “functional impairment” means either of the following:

~~being~~

(I) For an adult who is 18 to 59 years of age, inclusive, being substantially impaired as the result of a mental disorder in independent living, social relationships, vocational skills, or physical condition.

(II) For an adult who is 60 years of age or older, being substantially impaired in major life activities because of a mental disorder in at least two of the following areas on a continuing or intermittent basis: (ia) independent living, (ib) social and family relationships, (ic) vocational skills, employment, or leisure activities, (id) basic living skills, including instrumental activities of daily living, (ie) money management, (if) self-care, including activities of daily living, or (ig) physical condition.

(C) As a result of a mental functional impairment and circumstances, the person is likely to become so disabled as to require public assistance, services, or entitlements.

(4) For the purpose of organizing outreach and treatment options, to the extent resources are available, this target population includes, but is not limited to, persons who are any of the following:

(A) Homeless persons who are mentally ill.

(B) Persons evaluated by appropriately licensed persons as requiring care in acute treatment facilities including state hospitals, acute inpatient facilities, institutes for mental disease, and crisis residential programs.

(C) Persons arrested or convicted of crimes.

(D) Persons who require acute treatment as a result of a first episode of mental illness with psychotic features.

(5) California veterans in need of mental health services and who meet the existing eligibility requirements of this section, shall be provided services to the extent services are available to other adults pursuant to this section. Veterans who may be eligible for mental health services through the United States Department of Veterans Affairs should be advised of these services by the county and assisted in linking to those services.

(A) No eligible veteran shall be denied county mental health services based solely on his or her status as a veteran.

(B) Counties shall refer a veteran to the county veterans service officer, if any, to determine the veteran’s eligibility for, and the

1 availability of, mental health services provided by the United States
2 Department of Veterans Affairs or other federal health care
3 provider.

4 (C) Counties should consider contracting with community-based
5 veterans' services agencies, where possible, to provide high-quality,
6 veteran specific mental health services.

7 *(6) Adults 60 years of age or older shall be eligible if they*
8 *require brief treatment as a result of a natural disaster or severe*
9 *local emergency.*

10 (c) Adults or older adults who require or are at risk of requiring
11 acute psychiatric inpatient care, residential treatment, or outpatient
12 crisis intervention because of a mental disorder with symptoms of
13 psychosis, suicidality, or violence.

14 (d) Persons who need brief treatment as a result of a natural
15 disaster or severe local emergency.

16 SEC. 2. If the Commission on State Mandates determines that
17 this act contains costs mandated by the state, reimbursement to
18 local agencies and school districts for those costs shall be made
19 pursuant to Part 7 (commencing with Section 17500) of Division
20 4 of Title 2 of the Government Code.